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**AGENDA**

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**BOROUGH OF WASHINGTON, WARREN COUNTY, NJ**

**July 5, 2022  
7:00 PM**

**STATEMENT OF ADEQUATE NOTICE**

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times and Star Ledger and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law.

**FLAG SALUTE**

**ROLL CALL** Conry, Cox, Heinrich, Noone, Norris and Ron

**AUDIENCE/COUNCIL APPEARANCE**

Remarks, petitions, statements and testimony from guests

- Mark Van Deursen, Chief  
Washington Emergency Squad-Quarterly Report

**NEW BUSINESS**

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**Agenda-Continued**

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**OLD BUSINESS**

**ORDINANCES 1st Reading**

*Public Hearing/Adoption will be held August 16, 2022*

**ORDINANCE NO. 2022-08**

AMENDING CHAPTER 65 OF THE CODE OF THE BOROUGH OF WASHINGTON ENTITLED "PROPERTY MAINTENANCE" REGARDING THE REGISTRATION OF VACANT AND FORECLOSED PROPERTIES TO BE CONSISTENT WITH P.L. 2021, C. 444

**ORDINANCE-2<sup>nd</sup> Reading**

**ORDINANCE 2022-05**

ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY TO CREATE \_\_\_\_\_ OF THE CODE OF THE BOROUGH OF WASHINGTON TO PROHIBIT SMOKING IN PUBLIC PLACES

**RESOLUTIONS**

**RESOLUTION 2022-78 (Tabled from June 14<sup>th</sup> meeting)**

RETAIL CONSUMPTION LICENSE  
PHILBERTS PUB  
LICENSE NUMBER #2121-33-005-006

**RESOLUTION 2022-84**

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

**RESOLUTION 2022-85**

RESOLUTION DESIGNATING FUSION DEVELOPMENT, LLC AS THE REDEVELOPER OF CERTAIN PROPERTY (BLOCK 80, LOT 4) AND AUTHORIZING EXECUTION OF A REDEVELOPER'S AGREEMENT AND ESCROW AGREEMENT WITH FUSION DEVELOPMENT, LLC

**RESOLUTION 2022-86**

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

**RESOLUTION 2022-87**

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

**RESOLUTION 2022-88**

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM  
THE FUSION DEVELOPMENT LLC ESCROW ACCOUNT  
HELD IN TRUST BY THE BOROUGH OF WASHINGTON

**RESOLUTION 2022-89**

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

**RESOLUTION 2022-90**

RETAIL CONSUMPTION LICENSE  
VMI OF WASHINGTON

**RESOLUTION 2022-91**

A RESOLUTION WAIVING RENTAL PROPERTY REGISTRATION FEES FOR 2022 AND  
AUTHORIZING NOTIFICATION OF RENTAL PROPERTY OWNERS OF PENDING  
CHANGES TO THE RENTAL REGISTRATION PROGRAM IN 2023

**RESOLUTION 2022-92**

A RESOLUTION TO ADJUST SEWER BILLINGS IN  
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH  
OF WASHINGTON.

**VOUCHERS**

**REPORTS**

**RECAP**

**COUNCIL REMARKS**

Remarks, Reports, Discussions

**EXECUTIVE SESSION-if needed**

**ADJOURNMENT** \_\_\_\_\_ P.M.

**ORDINANCE NO. 2022-08**  
**AMENDING CHAPTER 65 OF THE CODE OF THE BOROUGH OF WASHINGTON**  
**ENTITLED “PROPERTY MAINTENANCE” REGARDING THE REGISTRATION**  
**OF VACANT AND FORECLOSED PROPERTIES TO BE CONSISTENT WITH P.L.**  
**2021, C. 444**

**WHEREAS**, the Borough of Washington is challenged to identify and locate responsible parties of foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

**WHEREAS**, the Borough of Washington finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetic; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law; and

**WHEREAS**, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; and

**WHEREAS**, the Borough of Washington has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Borough of Washington adopted Ordinance 2017-07 regulating the registration and maintenance of abandoned and vacant properties; and

**WHEREAS**, amendments to Ordinance 2017-07, codified as Chapter 65, Article II of the Borough Code, are necessary to comply with P.L. 2021, c. 444 and such ordinance must be adopted no later than August 1, 2022; and

**WHEREAS**, the Borough of Washington has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned, vacant, and foreclosure properties located within the Borough; and

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**NOW, THEREFORE, BE IT ORDAINED**, by the Acting Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

**SECTION 1.** Chapter 65, entitled, “Property Maintenance,” is renamed “Abandoned and Foreclosed Property Registration and Maintenance.”

**SECTION 2.** Chapter 65, Article II of the Borough Code is hereby deleted in its entirety and replaced with the following:

### **§ 65-7. Definitions**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

**VACANT AND ABANDONED REAL PROPERTY** – As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash, or debris on the property;
- (f) the absence of window treatments such as blinds, curtains, or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

**APPLICABLE CODES** - means to include, but not be limited to, the Borough of Washington Code of Ordinances (“Borough Code”), and the New Jersey Building Code.

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**CREDITOR** – As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of P.L.2009, c.53 (N.J.S.A.17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a “creditor” shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

**ENFORCEMENT OFFICER** - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Borough of Washington to enforce the applicable code(s).

**FORECLOSURE** – means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm's length transaction whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

**MORTGAGEE** - means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

**PROPERTY MANAGEMENT COMPANY** - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

**VACANT** - means any building or structure that is not legally occupied.

#### **§ 65-8. Applicability:**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Borough of Washington above and beyond any other state, county or local provisions for same.

#### **§ 65-9. Establishment of a Registry.**

Pursuant to the provisions of Section 65-10, the Borough of Washington or its designee shall establish a vacant and abandoned property registry containing the information required by this Article.

#### **§ 65-10. Registration of Property.**

- a) Any creditor who holds a mortgage or equity lien on real property located within the Borough shall perform an inspection of the property to determine vacancy or

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occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) days of the inspection, register the property with the Borough Code Enforcement Official, or its designee, on forms or website access provided by the Borough, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

- b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Borough.
- c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration and fee in the sum of \$500.00 in accordance with this Section 65-10.
- e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Borough and/or its authorized designee.
- g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain in foreclosure.
- i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

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- j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.
- k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits and inspections required by applicable code or State Statutes.
- m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.
- n) If the creditor sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous creditor will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

**§65-11. Maintenance Requirements:**

- a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed

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specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter, Chapter 59 (“Nuisances, Public Health”), Chapter 75 (“Streets and Sidewalks”), and Chapter 91 (“Weeds and Obnoxious Growths”) of the Borough Code. Pursuant to a finding and determination by the Borough's Code Enforcement Officer or a Court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section. .
- h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

**§ 65-12. Security Requirements:**

- a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
- c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

**§65-13. Public Nuisance:**

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Borough.

**§65-14. Violations and Penalties:**

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not less than \$500.00 or exceeding \$1,250.00; or by a period of community service not exceeding 90 days.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

**§65-15. Inspections for Violations:**

Adherence to this Chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

**§65-16. Additional Authority:**

- a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.
- b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.
- d) If the mortgagee does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Borough sending the mortgagee the invoice, then the Borough may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

**§65-17. Opposing, Obstructing Enforcement Officer; Penalty:**

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

**§65-18. Immunity of Enforcement Officer:**

Any enforcement officer or any person authorized by the Borough to enforce the Sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

**SECTION 3. Severability.** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4. Repealer.** All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 5. When Effective.** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: July 5, 2022

Public Hearing/Adoption: August

**ORDINANCE 2022-05  
BOROUGH OF WASHINGTON  
COUNTY OF WARREN  
STATE OF NEW JERSEY**

**ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF  
WARREN, STATE OF NEW JERSEY TO CREATE \_\_\_\_\_ OF THE CODE OF THE  
BOROUGH OF WASHINGTON TO PROHIBIT SMOKING IN PUBLIC PLACES**

**WHEREAS**, the dangers of smoking and the effects of second hand smoke are well documented health hazards; and

**WHEREAS**, the Borough of Washington, through adoption of Washington Borough Municipal Code Chapter \_\_\_\_\_, will prohibit smoking activities in public places within the Borough of Washington; and

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**WHEREAS**, the Borough Committee of the Borough of Washington, County of Warren wishes to create Chapter \_\_\_\_\_ “Smoking,” to prohibit smoking in public places.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Committee of the Borough of Washington, County of Warren, State of New Jersey that Chapter \_\_\_\_\_, “Smoking” of the Code of the Borough of Washington shall be created as follows:

Section 1.

Chapter \_\_\_\_\_. Smoking

§ \_\_\_\_\_ -1. **Definition.**

As used in this chapter, the following terms shall have the meanings indicated:

**PUBLIC BUILDINGS**

Any Borough-owned or leased building, including but not limited to all municipal buildings, library, senior center, recreation center, etc., in which the public is invited, or the public is permitted.

**SMOKING**

The burning or use of a lighted cigar, cigarette, pipe, e-cigarette, vape or any other matter or substance which emits a vapor or smoke.

§ \_\_\_\_\_ -2. **Smoking prohibited in public places; signs to be posted.**

- A. Smoking in public buildings and on Borough properties as herein defined within the Borough of Washington is prohibited. Borough employees are permitted to smoke in designated smoking areas.
- B. “No Smoking” signs or the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be posted at each public building entrance and within said building, as well as at conspicuous locations on recreation properties, in a number and in a manner determined by the administrator in charge of each such building or recreation property to be sufficient to inform the public that there is no smoking allowed within the building or on any such recreation property. The signs may contain a warning that smoking within the building or on any such recreation property is subject to a fine. The failure to post any such sign shall not be a defense to a violation of this chapter.

§ \_\_\_\_\_ -3. **Enforcement.**

The enforcement authority of this chapter shall be the Police Department of the Township of Washington.

§ \_\_\_\_\_ -4 **Violations and penalties.**

- A. Any person who violated any provision of this chapter shall be subject to the following:

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- (1) A fine in the maximum amount of \$125 for the first violation.
- (2) A fine in the maximum amount of \$200 for the second violation.
- (3) A fine in the maximum amount of \$300 for each additional violation.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication.

**RESOLUTION 2022-78  
RETAIL CONSUMPTION LICENSE  
PHILBERTS PUB  
LICENSE NUMBER #2121-33-005-006**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

**License # 2121-33-005-006**  
Philberts Pub  
101 W. Washington Ave.  
Washington NJ 07882

From July 1, 2022 – June 30, 2023 provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**RESOLUTION 2022-84**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE  
As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to US BANK CUST/PC8 FIRSTRUST BK, GLOBAL CORP TRST SVS TLSG, 50 SO. 16TH ST SUITE 2050, PHILADELPHIA, PA 19102, in the amount of \$4,439.59 for taxes or other municipal liens assessed for the year 2020 in the name of MOUNTAIN ESTATES, LLC as supposed owners, and in said assessment and sale were described as 16 W WARREN ST, Block 19.01 Lot 7, which sale was evidenced by Certificate #21-00016 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6/7/2022 and before the right to redeem was cut off, as provided by law, MOUNTAIN ESTATES, LLC claiming to have an interest in said lands, did redeem said lands claimed by US BANK CUST/PC8 FIRSTRUST BK by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$18,975.77 which is the amount necessary to redeem Tax Sale Certificate #21-00016.

**NOW THEREFORE BE IT RESOLVED**, on this 5<sup>th</sup> day of July, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US BANK CUST/PC8 FIRSTRUST BK, GLOBAL CORP TRST SVS TLSG, 50 SO. 16TH ST SUITE 2050, PHILADELPHIA, PA 19102 in the amount of **\$64,975.77** (This consists of \$18,975.77 Certificate Amount redeemed + \$46,000.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 19.01

## RESOLUTION 2022-85

### RESOLUTION DESIGNATING FUSION DEVELOPMENT, LLC AS THE REDEVELOPER OF CERTAIN PROPERTY (BLOCK 80, LOT 4) AND AUTHORIZING EXECUTION OF A REDEVELOPER'S AGREEMENT AND ESCROW AGREEMENT WITH FUSION DEVELOPMENT, LLC

**WHEREAS**, the Mayor and Borough Council of the Borough of Washington in its capacity as the municipal governing body and as a redevelopment entity (the "Borough Council") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

**WHEREAS**, in accordance with the provision of the Redevelopment Law, the Borough Council designated certain properties within the Borough as an area in need of redevelopment (collectively, the "Redevelopment Area") and divided such area into six (6) sub-areas; and

**WHEREAS**, the Borough Council adopted the Downtown Redevelopment Plan prepared by Heyer, Gruel, & Associates on April 7, 2009, for the Redevelopment Area in accordance with the provisions of the Redevelopment Law (the "Redevelopment Plan"); and

**WHEREAS**, property located at 171-173 West Washington Avenue and designated as Block 80, Lot 4 on the Borough of Washington's Tax Maps (the "Property") is included in the Washington Area Core District of the Redevelopment Area;

**WHEREAS**, pursuant to the Redevelopment Plan, the Washington Avenue Core District is "[d]esigned to create an active mixed-use retail environment," and the Redevelopment Plan is designed to provide for a "healthy mix of commercial and residential space;" and

**WHEREAS**, the Redevelopment Plan provides:

Any development or construction within the Redevelopment Area must be undertaken in accordance with a fully executed valid and binding redevelopment agreement with the designated redevelopment entity. The redevelopment entity shall be the entity authorized by the Borough's governing body to implement this Plan and carry out the various redevelopment projects within the Redevelopment Area. The redevelopment agreement must be in full force prior to granting final site plan approval.

**WHEREAS**, Fusion Development, LLC (the "Redeveloper") is the owner of the Property; and

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**WHEREAS**, the Redeveloper has agreed to develop the Property and use it for the purposes implementing the Redevelopment Plan; and

**WHEREAS**, the Redeveloper submitted to the Borough a conceptual site plan to redevelop the Property with four (4) residential apartments (the "Concept Plan"); and

**WHEREAS**, the Borough is in the process of amending the Redevelopment Plan to permit residential uses on the first floor in the Core District; and

**WHEREAS**, the Redevelopment Law authorizes the Borough to arrange or contract with a redeveloper for the planning, construction, or undertaking or any project or redevelopment work in a redevelopment area; and

**WHEREAS**, the Borough has determined that the Concept Plan is consistent with and meets the goals of the Redevelopment Plan and its proposed amendments and that it is in the best interest of the community to designate Redeveloper as the redeveloper of the Property;

**WHEREAS**, the Borough believes that the redevelopment of the Property in the manner proposed by the Redeveloper is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the Borough's residents and is in accord with the public purpose and provisions of the Redevelopment Law; and

**WHEREAS**, the Borough has determined that it is in the best interest of the community for the Borough to enter into a certain Redeveloper's Agreement and Escrow Agreement with the Redeveloper, the form of which will be approved by the governing body at a later date.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council, as a redevelopment entity, hereby authorizes the Borough Attorney to draft a Redevelopment Agreement and Escrow Agreement by and between the Borough of Washington, as a redevelopment entity, and Fusion Development, LLC, concerning the Property identified as Block 80, Lot 4 on the Tax Map of the Borough of Washington; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council, upon the full execution of a Redevelopment Agreement by the Borough of Washington and Fusion Development, LLC, the Borough will recognize Fusion Development, LLC as Redeveloper of the Property identified as Block 80, Lot 4 on the Tax Map of the Borough of Washington as provided for and in accordance with the provisions of the Redevelopment Law; and

**BE IT FURTHER RESOLVED**, that said recognition of Fusion Development, LLC as Redeveloper of the Property identified as Block 80, Lot 4 on the Tax Map of the Borough of Washington is subject to and contingent upon Fusion Development, LLC (1) working collaboratively with the Borough's Land Use Board and its professionals regarding the Redeveloper's proposed development on the Property; (2) meeting with the Borough's Department of Public Works to coordinate the timing and design of public

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and private infrastructure improvements, including road resurfacing projects, if any; (3) paying any and all costs incurred by the Borough related to the implementation of this project as set forth in the Redevelopment Agreement and entering into an escrow agreement with the Borough, or replenishing any such escrow account already created as requested by the Borough, within ten (10) days of the adoption of this resolution; and (4) satisfying any other terms and conditions contained within the Redevelopment Agreement and required as part of any approval of the Borough Land Use Board; and

**RESOLUTION 2022-86**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS,** lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to CHRISTIANA TRUST AS CUSTODIAN, GSRAN-Z LLC, PO BOX 71276, PHILADELPHIA, PA 19176-6276, in the amount of \$3,778.26 for taxes or other municipal liens assessed for the year 2019 in the name of NJSL 7, LLC as supposed owners, and in said assessment and sale were described as 43 E STEWART ST, Block 28.02 Lot 1, which sale was evidenced by Certificate #20-00021 and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6/21/2022 and before the right to redeem was cut off, as provided by law, Larry Chen claiming to have an interest in said lands, did redeem said lands claimed by CHRISTIANA TRUST AS CUSTODIAN by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$22,432.04 which is the amount necessary to redeem Tax Sale Certificate #20-00021.

**NOW THEREFORE BE IT RESOLVED,** on this 5<sup>th</sup> day of July, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to CHRISTIANA TRUST AS CUSTODIAN, GSRAN-Z LLC, PO BOX 71276, PHILADELPHIA, PA 19176-6276 in the amount of **\$41,432.04** (This consists of \$22,432.04 Certificate Amount redeemed + \$19,000.00 Premium).

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 28.02 Lot 1 from the tax office records.

**RESOLUTION 2022-87**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS,** lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to FIG CUST

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FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154, in the amount of \$2,121.17 for taxes or other municipal liens assessed for the year 2020 in the name of NEBLING, RICHARD ESTATE OF as supposed owners, and in said assessment and sale were described as 153 BELVIDERE AVE, Block 21.02 Lot 3, which sale was evidenced by Certificate #21-00019 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6/13/2022 and before the right to redeem was cut off, as provided by law, TITLE ON DEMAND OF NJ INC claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19LLC & SEC PTY by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$5,271.58 which is the amount necessary to redeem Tax Sale Certificate #21-00019.

**NOW THEREFORE BE IT RESOLVED**, on this 5<sup>th</sup> day of July, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154 in the amount of **\$7,771.58** (This consists of \$5,271.58 Certificate Amount redeemed + \$2,500.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 21.02 Lot 3 from the tax office records.

**RESOLUTION 2022-88**  
**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM**  
**THE FUSION DEVELOPMENT LLC ESCROW ACCOUNT**  
**HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Gerald J. Brown, co-owner of Fusion Development LLC has requested the return of any remaining inspection fees from escrow account #7763830097 which was established for a variance at 171-173 E. Washington Avenue; and

WHEREAS, due to rezoning the variance became unnecessary and was not acted upon by the Land Use Board; and

WHEREAS, the initial deposit was remitted by a personal check from Gerald J. Brown; and

WHEREAS, Stanley Schrek, Board Engineer and Steven Gruenberg, Board Attorney, have both noted that they have reviewed the file and have no objection to the closing of the escrow account for this application and approve the return of these funds.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Gerald J. Brown, 62 W. Johnston Street, Washington, NJ 07882 in the amount of \$1,500.00, plus interest, if any, in Account #7763830097.

**RESOLUTION 2022-89**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to FIG CUST FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154, in the amount of \$667.22 for taxes or other municipal liens assessed for the year 2020 in the name of FORSYTHE, VICTORIA as supposed owners, and in said assessment and sale were described as 102 MYRTLE AVE, Block 44 Lot 28, which sale was evidenced by Certificate #21-00028 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6/28/2022 and before the right to redeem was cut off, as provided by law, Lereta claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19LLC & SEC PTY by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,694.13 which is the amount necessary to redeem Tax Sale Certificate #21-00028.

**NOW THEREFORE BE IT RESOLVED**, on this 5<sup>th</sup> day of July, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154 in the amount of **\$4,194.13** (This consists of \$1,694.13 Certificate Amount redeemed + \$2,500.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 28 from the tax office records.

**RESOLUTION 2022-90**  
**RETAIL CONSUMPTION LICENSE**  
**VMI OF WASHINGTON**  
**(ENZO'S RESTAURANT)**  
**LICENSE NUMBER #2121-33-001-005**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

**License # 2121-33-001-005**  
VMI of Washington, Inc.  
(Enzo's Restaurant)  
328 W. Washington Ave.  
Washington NJ 07882

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From July 1, 2022 – June 30, 2023, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**RESOLUTION 2022-91**

**A RESOLUTION WAIVING RENTAL PROPERTY REGISTRATION FEES FOR 2022 AND AUTHORIZING NOTIFICATION OF RENTAL PROPERTY OWNERS OF PENDING CHANGES TO THE RENTAL REGISTRATION PROGRAM IN 2023**

**WHEREAS**, the Borough of Washington established rental property registration regulations and fees pursuant to § 66-1 of the code of the Borough of Washington; and

**WHEREAS**, staffing challenges as well as the 2020 COVID-19 Pandemic forced the Borough of Washington to discontinue inspections and suspend property registration fees; and

**WHEREAS**, registration of all rental property remained a requirement during that period with penalties prescribed for failure to do so; and

**WHEREAS**, due to ongoing staffing and budgetary challenges the Borough Council of the Borough of Washington, County of Warren State of New Jersey finds it necessary to waive fees and suspend inspections for 2022; and

**WHEREAS**, the Borough Council of the Borough of Washington, County of Warren State of New Jersey further wishes to reinstate the rental inspections and fees for 2023;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Washington, in the County of Warren, and State of New Jersey that rental inspections and fees for 2022 are hereby waived; and

**BE IT FURTHER RESOLVED**, by the Council of the Borough of Washington, in the County of Warren, and State of New Jersey that rental inspections and fees will be reinstated for 2023 pending the hiring of a qualified inspector, revision of the rental inspection fee ordinance, and notice of same being sent to all residential rental property owners informing them of the regulations and fees for 2023; and

**BE IT RESOLVED** that this Resolution shall take effect immediately.

**RESOLUTION 2022-92**

**A RESOLUTION TO ADJUST SEWER BILLINGS IN ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

**WHEREAS**, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>REASON/ADJUSTMENT</b>
33/5	Patel 180 Belvidere Avenue Washington, NJ 07882 Property Location: Same	Demolition 1.5 E.D.U. to 1.0 E.D.U. Effective: July 2022

**BE IT FURTHER RESOLVED** that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.